

15 AUG 1985

MEMORANDUM FOR:

STAT

Legislation Division
Office of Legislative Liaison

FROM:

Robert W. Magee
Director of Personnel

SUBJECT:

H.R. 917 -- Bill to Amend Title 5, U.S. Code, to Extend to Certain Employees in the Excepted Service the Same Procedural and Appeal Rights as Granted to Employees in the Competitive Service with Respect to Certain Adverse Personnel Actions

REFERENCE:

Your Memorandum for DC/ALD/OGC, D/OP, and DDA Liaison/LIA/OLL, same subject, OLL 85-2220, dated 2 August 1985

1. This responds to your request in Reference for our views as to whether the Agency requires an exception from the provisions of H.R. 917.

2. Our position is that we should take whatever steps (if any) are necessary to ensure the continuation, even if H.R. 917 is enacted, of the Agency's current exemption from the Title 5 scheme of procedural requirements and appeal rights incident to removals, extended suspensions, downgrading, pay reductions, and so on. Preservation of independent Agency authority and procedures in disciplinary and other adverse personnel action matters, not subject to OPM and MSPB control and regulation, is essential to maintaining a sound, secure, and dynamic Agency workforce. If an express exemption from H.R. 917 would be needed to achieve that aim, then such an exemption should be obtained. Whether a specific exclusion is necessary is a legal question, on which we must defer to OGC.

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for Robert W. Magee

OLL 85-2220
2 August 1985

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 ~~D/OP~~
 /DDA Liaison/LIA/OLL

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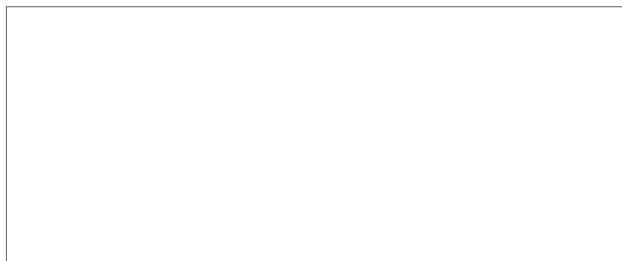
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SUBJECT: H.R. 917

1. On 28 July 1985, I spoke with Terri Ann Lowenthal, staff member of the Postal Personnel and Modernization Subcommittee of the House Post Office and Civil Service Committee. That Subcommittee is currently considering H.R. 917, a bill which would give certain procedural rights to probationary employees. You will recall that this legislation has been the subject of previous memoranda from this office and that the Agency had provided some information to Ms. Lowenthal in connection with it.

2. Ms. Lowenthal indicated that the bill will be worked on over the August recess and may see some action in the fall.

3. Ms. Lowenthal indicated that the Subcommittee would be most willing to accord the Agency an exception in the Bill. I thanked her and indicated we would consider the matter. I would appreciate your views as to whether or not such an exception is required.



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